

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Moshe Levi,)	Civil Action No.: 4:16-cv-01083-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Harris Teeter, LLC, and The Kroger Co.,)	
)	
Defendants.)	
_____)	

Plaintiff Moshe Levi, proceeding pro se, filed this employment action against the two above-captioned Defendants, alleging they violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.*, and 42 U.S.C. § 1981, by discriminating and retaliating against him on the basis of his race and religion. ECF Nos. 1 & 16. Defendants filed a motion to dismiss. ECF No. 19. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 25. The Magistrate Judge recommends that the Court grant Defendants' motion to dismiss in part and transfer this case to the Western District of North Carolina. *Id.* at 4-5.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R, and the time for doing so has expired.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the R & R [ECF No. 25] of the Magistrate Judge. Accordingly, the Court **GRANTS IN PART** Defendants' Motion to Dismiss [ECF No. 19] with respect to Defendants' alternative request that this case be transferred to the Western District of North Carolina. The Court hereby **TRANSFERS** this case to the appropriate division of the United States District Court for the Western District of North Carolina.

IT IS SO ORDERED.

Florence, South Carolina
September 15, 2016

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

¹ Objections were due by September 12, 2016. *See* ECF No. 25.